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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
SERETHEA MATTHEWS,)
Complainant,)
) No. 12-0030
)
COMMONWEALTH EDISON)
COMPANY,)
Respondent.)
)
Complaint as to)
billing/charges in)
Chicago, Illinois.)

Chicago, Illinois
October 17, 2012

Met, pursuant to adjournment, at 11:19 a.m.,
in Conference Room N-808, 160 North LaSalle Street,
Chicago, Illinois.

BEFORE:
Ms. Bonita A. Benn, Administrative Law Judge

1 APPEARANCES:

2 Ms. Serethea Matthews,
3 5927 West Washington Boulevard,
4 Chicago, Illinois 60644,
5 Complainant;

6 LAW OFFICES OF MARK L. GOLDSTEIN, P.C.,
7 (3019 Province Circle,
8 Mundelein, Illinois 60060,
9 (847) 949-1340), by:

10 MR. MARK L. GOLDSTEIN,
11 mlglawoffices@aol.com,

12 and

13 COMMONWEALTH EDISON COMPANY,
14 (440 South LaSalle Street, Suite 3300,
15 Chicago, Illinois 60605,
16 (312) 394-3866), by:

17 MS. ERIN BUECHLER,
18 erin.buechler@comed.com,

19 for the Respondent,
20 Commonwealth Edison Company.

21 Also Present:

22 Mr. Ron Reid.

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I N D E X

WITNESS	DX	CX	RDX	RCX	By Judge
McKinney	28	37			
	42				45
		48			68
		72			75
		80			
	87	95			

E X H I B I T S

NUMBER	MARKED FOR ID	IN EVIDENCE
Complainant 1		21
ComEd 1	30	36
ComEd 2	42	48
ComEd 3	87	108

1 JUDGE BENN: Pursuant to the direction of the
2 Illinois Commerce Commission, I now call Docket No.
3 12-0030, Serethea Matthews versus Commonwealth Edison
4 Company, a complaint as to billing or charges in
5 Chicago, Illinois.

6 May I have the complainant introduce
7 herself for the record with your name and address?

8 MS. MATTHEWS: Serethea Matthews, 5927 West
9 Washington Boulevard, 60644.

10 JUDGE BENN: And the gentleman that's with you?

11 MR. REID: Mr. Reid, same address.

12 JUDGE BENN: Your name?

13 MR. REID: Ron Reid.

14 JUDGE BENN: Okay.

15 MR. REID: 5927 West Washington Boulevard.

16 JUDGE BENN: And your relationship with
17 complainant?

18 THE WITNESS: Worst half.

19 JUDGE BENN: Okay. All right.

20 And can I have counsel introduce
21 themselves for the record, please?

22 MR. GOLDSTEIN: For Commonwealth Edison

1 Company, Mark L. Goldstein, 3019 Province Circle,
2 Mundelein, Illinois, 60060. My telephone number is
3 (847) 949-1340. With me this morning is Erin
4 Buechler of ComEd as well as two ComEd witnesses whom
5 I'll introduce as we go along.

6 JUDGE BENN: Okay. All right.

7 Before we get started, I'm going to
8 give each side an opportunity to have a brief opening
9 statement on the complaint and what you're
10 complaining about. Because you all are your own
11 witnesses, I'm going to need to swear you in. So,
12 Ms. Matthews, could you please raise your right hand?

13
14 (The witness was duly sworn.)

15
16 JUDGE BENN: And Mr. Reid?

17
18 (The witness was duly sworn.)

19
20 JUDGE BENN: Thank you.

21 Okay. Ms. Matthews, you can proceed
22 by giving us a brief overview of your complaint, just

1 why did you bring a complaint to the forum.

2

3

4 OPENING STATEMENT

5 ON BEHALF OF THE COMPLAINANT

6

7 MS. MATTHEWS: There are several reasons why I
8 brought the complaint. I moved into the property.
9 And as I do my bills, I pay bills as they arrive. So
10 I began to pay my bills, and then suddenly I got this
11 huge bill that indicated that I had -- there were
12 some issues that I thought it was ridiculous because
13 how could I owe this much money when I've been paying
14 the bill as it's been presented over this period of
15 time. So I began to figure out what was wrong
16 because I assumed it had to be a mistake because
17 there's no way I can have a bill this size after, you
18 know -- whenever a bill arrives, I pay it.

19 So then I called in to explain that
20 this bill -- there was some -- what is the error.
21 And what I found was a lot of lack of cooperation,
22 failure to follow through by ComEd, failure to look

1 at the notes that were on my account, failure to make
2 any attempt to read the meter, and then failure to
3 provide options for resolving the issue that were at
4 their disposal in addition to being treated in a very
5 nasty fashion by the people that I was talking to,
6 failure to allow me to talk to supervisors or anyone
7 beyond the personnel I was talking to on the phone.
8 So I was having great difficulty in getting through
9 to anyone to look at the situation objectively rather
10 than somebody repeating over and over to me that this
11 is it, do this, without saying what else could be
12 done. And then finally when someone told me I could
13 do something else but I'm not going to, that was when
14 it really escalated for me, that there were other
15 options but they were not going to be considered. So
16 I don't feel it was fair that this action should have
17 been taken and that it should have evolved in this
18 way because it wasn't like I was trying to hide or
19 avoid or anything. It was just that it was their
20 failure on many -- on many levels to provide a
21 reasonable service that might have been expected by
22 anyone. So that's essentially the overview.

1 JUDGE BENN: Anything that Mr. Reid would like
2 to add to that?

3 MR. REID: Yes, I'd like to add that I view
4 this issue as a failure to manage as a company their
5 client, poor customer service. And the issue that I
6 see here is that they failed to provide a bill in a
7 reasonable amount of time, provided estimated bills
8 unknown to us for two years, failed to read a meter
9 for over two years, give us an entire two years'
10 worth of bills, which I think was cut down to a year,
11 and demanded payment within 30 days and then to be
12 rude during the process of doing that. My big issue
13 with this is that I was denied accurate
14 information -- denied accurate information of what
15 the actual bill is. Had I known what the actual bill
16 was, we could have done many things at the time of
17 purchase of the home and throughout that two-year
18 period to reduce energy consumption. We could have
19 done a number of things. We could have purchased --
20 you know, lowered our -- consciously lowered our
21 air-conditioning usage. We could have installed, you
22 know, energy efficient appliances, lighting. A

1 number of purchase decisions were made throughout
2 this time period with faulty information. So what
3 we're asking is to -- because they clearly screwed
4 up -- waive this past year, two years of estimated
5 bills that they somehow calculated to be based on
6 usage that we don't understand. It's also worth
7 noting that we figured out that once we knew this,
8 through our efforts, we were able to reduce our
9 energy consumption by 30 to 40 percent. So had we
10 known that earlier, before we made major purchases,
11 we could have done a number of things to correct this
12 problem. We were denied the right to do that through
13 inaccurate information. Thank you.

14 JUDGE BENN: Before -- well, you can -- before
15 you go to cross-examination, I have a question for
16 the complainant -- well, two questions. Is there a
17 particular amount in controversy here on this
18 complaint because I don't really think it's evident?
19 What is the overestimated -- you have \$3,000. Is
20 that the amount in controversy?

21 MR. REID: We have figures all over the map,
22 your Honor. At one time, it was like --

1 MS. MATTHEWS: \$4,000.

2 MR. REID: \$4,000. Maybe it is three now. We
3 don't know what it is.

4 MS. MATTHEWS: And it all started -- and it all
5 started with -- they started out with an estimated
6 bill, so it wasn't based on an actual reading when we
7 started, so we don't know what the true reading was
8 at the very beginning because it was an estimate as
9 to base.

10 MR. REID: And their math frankly is a mystery
11 to me. You know, I'm an engineer. I deal with
12 numbers. And I can't figure out they how they
13 calculated it.

14 JUDGE BENN: So you don't know -- you have an
15 estimated idea of what the amount of controversy is.

16 MS. MATTHEWS: Right. Because if you start
17 with an estimate and then you take an actual reading,
18 you don't know where it started because you started
19 with an estimate. So you have to make an assumption
20 about what was used during a certain time period
21 because you started with an estimate.

22 JUDGE BENN: So I'll assume, for the sake of

1 just what we're doing here in this hearing, that the
2 amount in controversy is somewhere around \$3,000
3 because that's what is pled in your complaint.

4 MS. MATTHEWS: Initial complaint, yes.

5 JUDGE BENN: Okay.

6 And the timeline involved here starts
7 in June of 2011 and to the present; is that correct?

8 MS. MATTHEWS: That's when we got the big bill.

9 JUDGE BENN: So your first notice of it was
10 June, 2011?

11 MS. MATTHEWS: Yes. Ah-huh.

12 JUDGE BENN: Okay.

13 You can state your opening.

14

15 OPENING STATEMENT

16 ON BEHALF OF THE RESPONDENT

17

18 MR. GOLDSTEIN: I have just a brief response,
19 Judge.

20 First of all, the company is allowed
21 to back bill for one year under the commission rules.
22 The statement with respect to how Ms. Matthews and

1 Mr. Reid were treated by the company, we have no
2 knowledge of that. And obviously, we're not going to
3 present a witness with respect to that.

4 Further, as your Honor is well aware,
5 the commission cannot award damages over and above
6 whatever the amount may or may not be found to be in
7 controversy in this matter, over and above that
8 \$3,000, I guess, that the complainant states is what
9 is at issue. This is just a -- this is just a
10 canceled and rebill complaint, and we're ready to
11 proceed.

12 JUDGE BENN: Okay. One second, Mr. Reid.

13 Is that going to be your opening
14 statement?

15 MR. GOLDSTEIN: Yes.

16 JUDGE BENN: Okay.

17 Is there any more underlying testimony
18 from the parties?

19 MS. MATTHEWS: So now it's testimony or --

20 JUDGE BENN: Yes. I mean --

21 MS. MATTHEWS: Okay.

22 JUDGE BENN: -- it is. We're going to go off

1 the record for a second.

2

3 (There was a discussion
4 off the record.)
5

6 JUDGE BENN: Going back on the record.

7 All right. Ms. Matthews, the floor is
8 open for you to explain what occurred when you
9 initially received, I guess, this \$3,000 bill that
10 you are complaining of in June, 2011.

11 MS. MATTHEWS: The first thing I did was make a
12 call because I just assumed that this was an error,
13 that this couldn't possibly be correct. So I just
14 assumed it would be resolved fairly quickly because
15 it was an error.

16 The difficulty I had was the lack of
17 nonresponsiveness and the use of language and
18 terminology which was not familiar to me such as this
19 is -- this is a simple rebill and whatever. That
20 doesn't explain what happened to me by using
21 terminology that's comfortable or that they use every
22 day. I don't know what that means. You have to

1 explain that to me. And when I tried to get
2 explanations, the responses were very short and this
3 is -- this is what was done, accept it, and move on.
4 And that was consistently the response. I said, I
5 don't understand how that happened. I don't
6 understand this billing. I don't understand this
7 paperwork. Can you have somebody go through this
8 with me? And the response I got was, no, we don't --
9 we're not going to do that. I said, well, can I be
10 referred to a supervisor? No, you're going to deal
11 with me, you know. So these are the kinds of
12 responses I got.

13 And as I kept -- so I kept trying to
14 call. I wrote letters. I wrote letters to various
15 members of the ComEd -- I wrote to -- which was not
16 presented here in their response because when I --
17 okay. Let me stop here. But I tried reaching out to
18 various departments within ComEd to assist me, to
19 provide additional information to help me with the
20 lack of responsiveness that I was getting from the
21 customer care center. Every -- every outreach I made
22 was always directed back to the same people who had

1 been not responsive in the first place, so I was not
2 able to get beyond that. That's when I went to -- I
3 finally came here because I really felt that this was
4 unfair. How can you start with an estimate, come
5 up -- not even follow your own records. They were
6 able to tell me in our records it indicates that
7 we're supposed to -- that you have to have a phone
8 number to call you on, which is not on my bill, a
9 phone number in our records to call you on, and we're
10 told to ring the bell. I'm home every day, just
11 about every day, so that if you ring the bell,
12 someone's going to answer. In fact, since we filed
13 this complaint, we've probably had the meter read
14 maybe every month since then because someone rang the
15 bell or someone -- well, they don't really call. But
16 they ring the bell. And so they have not had a
17 difficulty in getting in because it's a black gate
18 with a white bell. And so ever since this began,
19 suddenly they've been able to get in.

20 You know, we weren't trying to keep
21 them out, but nobody ever bothered. They just don't
22 even -- you don't even see them in the neighborhood.

1 So there was no consistent, conscious effort. And,
2 in fact, someone I talked to said, well, it says here
3 in the records, but we don't know if -- you know, if
4 it was being done. I talked to a couple of meter
5 readers who said, well, if we see a gate, we just
6 walk past. They don't even try. They just walk past
7 it, make a note, gate, and they don't even try to
8 come in. So there was no effort being made to say,
9 okay, I haven't read this meter in who knows how many
10 months, maybe I should ring the bell, maybe I should
11 follow what's in the ComEd notes, maybe I should make
12 an effort other than simply walking past or not even
13 coming down this block. So that's what was
14 happening. It wasn't like we were trying to keep
15 them you out. And clearly, the fact that they've
16 been able to come in since then indicates that
17 there's no barrier to entry. There really is no
18 barrier to entry. They could have been coming -- we
19 didn't change the bell. We didn't put up a new bell.
20 You know, that's been there the whole time. The
21 phone number hasn't changed. It's been the same
22 phone number.

1 I've gotten calls from guys telling me
2 at 7:30 in the morning I'm going to be in your area.
3 Can I visit? Yes. They call me at 7:30 in the
4 morning. They call before 8:00 o'clock, and they're
5 able to get in, or I'm in the area. So they're able
6 to get in. So that can't be the reason why you do
7 this for this extended period. If you're really
8 trying to get to read a meter, you can do it. You've
9 been able to do it for the last, you know, year, so
10 why couldn't you have done it before.

11 Then the fact that we cannot get --
12 you're treated in a very nasty, short fashion. You
13 know, no, you can't talk to us. No, I can do
14 something else, but I'm not going to do it. You
15 know, no, this is what we do. No. That's all you
16 heard was no, and I want to end this conversation.
17 And so that's why I wrote all of letters to the
18 various -- the general counsel, to the customer
19 service department, to try to get someone to
20 intervene and say are you aware that your customers
21 are being treated in this way. People are not
22 reading the meters. People are not responding. And

1 they're giving you these short, negative, nasty
2 answers when you ask a question and not explaining.
3 Telling me -- using the same language and repeating
4 it over and over is not clarification. Clarification
5 is making sure that I understand what that means. As
6 he said earlier, it's a simple rebill, or whatever he
7 called it. That doesn't explain anything to me. And
8 the numbers -- and the numbers didn't make sense.

9 JUDGE BENN: So during these times when you --
10 prior to the June, 2011, \$3,000 bill, had you been
11 receiving bills?

12 MS. MATTHEWS: Yes.

13 JUDGE BENN: And to your knowledge, how much
14 were those monthly bills per month?

15 MS. MATTHEWS: I received --

16 JUDGE BENN: To your recollection.

17 MS. MATTHEWS: When I received the bills, I
18 paid them.

19 JUDGE BENN: And what is the range, if you
20 recall, of what amounts you paid month to month?

21 MS. MATTHEWS: Three hundred to twenty-one --
22 no, 475 -- from 475, 300, 262, 53. They ranged all

1 over.

2 JUDGE BENN: Are you referring --

3 MR. REID: These are bills to us, you know.

4 JUDGE BENN: Okay. One second. My question --

5 MR. REID: I'm sorry.

6 JUDGE BENN: No, that's okay.

7 So my question is: Are you referring
8 to something that is in the packet that you've given
9 to us?

10 MS. MATTHEWS: Yes, on page eight.

11 JUDGE BENN: On page eight?

12 MS. MATTHEWS: Ah-huh.

13 JUDGE BENN: Okay.

14 Let's give counsel an opportunity to
15 turn to page eight, and then I'll move this into the
16 record. So this is a compilation -- if you can
17 explain it -- this is a compilation of your bills?

18 MS. MATTHEWS: Yes, of payments that I made to
19 ComEd for the bills.

20 MR. REID: They're actual bills.

21 JUDGE BENN: Oh, okay.

22 And do you have any underlying bills?

1 MS. MATTHEWS: I'm sorry?

2 JUDGE BENN: Underlying bills. I know you
3 prepared this from reviewing your underlying bills.
4 Do you have the bills?

5 MS. MATTHEWS: I have some of them. It's
6 pages --

7 JUDGE BENN: They're included here?

8 MS. MATTHEWS: Yes, pages -- from pages 10
9 through 22 -- 10 through 23. Those are some of
10 the -- some of them. That's not all of the bills
11 over this two-year period.

12 JUDGE BENN: Okay.

13 Counsel, have you had an opportunity
14 to review the group exhibit and the pages in
15 particular that Ms. Matthews is referring to?

16 MR. GOLDSTEIN: Yes, I have, Judge.

17 JUDGE BENN: Do you have any objection to this
18 exhibit overall?

19 MR. GOLDSTEIN: No objection.

20 JUDGE BENN: Okay.

21 I'm going to move the Complainant's
22 Exhibit 1, Group Exhibit 1 into the record, and you

1 can proceed.

2

3 (WHEREUPON, the document marked
4 Complainant's Group Exhibit 1
5 for identification was admitted
6 into evidence.)

7

8 JUDGE BENN: So you're pointing out on page
9 eight these are the bills as they -- as you were
10 receiving them in 2010 through 2012 it looks like?

11 MS. MATTHEWS: Yes.

12 JUDGE BENN: Or the payments that you were
13 making?

14 MS. MATTHEWS: Ah-huh.

15 JUDGE BENN: And then according to your
16 complaint, in June, 2011, you received an estimated
17 bill of over -- of \$3,000?

18 MS. MATTHEWS: Yes, it was over \$3,000.

19 JUDGE BENN: Now, were these underlying
20 payments here on page eight also estimates?

21 MS. MATTHEWS: I guess they were. I mean, what
22 I -- what I do is, when I get the bill, I write a

1 check and mail it in.

2 JUDGE BENN: Okay.

3 MS. MATTHEWS: So I don't research it to see
4 whether or not anything happened. I mean, I just
5 pay. Whatever the bill is, you pay that. That's --

6 MR. REID: I think that's normal human
7 behavior.

8 MS. MATTHEWS: Yeah. I don't review it to
9 see --

10 MR. REID: To analyze the bill to see if
11 they're doing their job or it's estimated versus
12 actual, nobody does that.

13 JUDGE BENN: Oh, no. Yeah. Basically the
14 question I'm asking you is -- I just wanted to know
15 if you noticed whether the bill stated that it was an
16 estimate not, rather, trying to decipher, you know,
17 if it's an estimated bill versus an actual read for
18 any other reason.

19 MR. REID: I obviously had no idea they did
20 estimates --

21 JUDGE BENN: Okay.

22 MR. REID: -- until this issue came up --

1 JUDGE BENN: Okay.

2 MR. REID: -- and I actually looked at a bill.

3 And somewhere on there I think there was a word that
4 said estimated something, something.

5 JUDGE BENN: Okay.

6 MS. MATTHEWS: So we just -- it comes in with
7 all of the other bills. You see it, you write a
8 check, and then you mail it. And that's -- that was
9 it, you know. So I never looked at it closely, to
10 read every line on the bill, because if I'm paying
11 the bill, I expect nothing else to happen.

12 JUDGE BENN: So after you contacted
13 Commonwealth Edison's customer service area to try to
14 get some sort of understanding of how the bill became
15 \$3,000 --

16 MS. MATTHEWS: Ah-huh.

17 JUDGE BENN: -- your testimony today is that
18 you had no true results from them at all?

19 MS. MATTHEWS: I had -- when you say "true
20 results" --

21 JUDGE BENN: You weren't able to get your
22 questions answered. Is that what I'm to understand?

1 MS. MATTHEWS: Right. They could -- I could
2 not get -- I could not get them to tell me -- to tell
3 me what the -- what options they had available for
4 dealing with this, what other options other than the
5 ones that were presented. I could not get them to
6 even talk about the fact that we started from an
7 estimate, came to AN actual, and said, okay, you
8 know, this is actual usage. Where did we start? I
9 couldn't get any resolution on that. And I just had
10 them repeat to me over and over some -- some
11 standards that they use. All they did was repeat
12 standards. They were not -- they were nonresponsive.
13 They were nonresponsive in their answers. They gave
14 us a standard response -- I guess, it's standard for
15 them -- describing something in their language as to
16 what they do, which was never clear to me. And then
17 they took action and refused -- they said, we have
18 other options, but we're not going to use it. And,
19 no, you can't talk to anybody else about it.

20 JUDGE BENN: Okay.

21 So since the dispute, you just stated
22 earlier that the meter readers now come to your

1 house?

2 MS. MATTHEWS: Yes.

3 JUDGE BENN: Well, have you received actual
4 bills going forward now that they're reading your
5 meter?

6 MS. MATTHEWS: I'll tell you, when I get the
7 bill, I look at the bill and see what the current
8 usage is, and I send the check in. So --

9 JUDGE BENN: Okay.

10 MS. MATTHEWS: So until it's resolved, I
11 haven't really addressed that amount. I've just been
12 addressing our usage. So I don't know what's listed.
13 And actually -- I'll tell you the actual truth. In
14 the last bills, I still haven't -- I couldn't tell
15 you if these are actual or estimated because I'm not
16 still -- this is not at the top of my mind, so I'm
17 still not looking at it to read it and saying is this
18 actual or is this an estimate? I'm just sending
19 money in every month.

20 JUDGE BENN: Okay.

21 Mr. Reid, I guess my question for you,
22 in general, since I want to give counsel an

1 opportunity to cross-examine you, did you have
2 anything else to add to Ms. Matthews' account of the
3 meter reading, your experience with ComEd? Did you
4 have any interactions directly with the company?

5 MR. REID: In fact, I was on several calls.
6 You know, we did conference calls on several
7 occasions. And I can attest to the fact that they
8 were extremely rude. You know, it's like they're
9 reading from a script, and they have no insight into
10 stepping outside the script or interest in doing so.
11 So you can't get anything resolved. You can't get
12 any questions answered. And what pushed us both over
13 the brink was after, you know, probably an hour of
14 conversation, one of us asked the question, do you
15 have the power to fix this? Can you do something
16 about this? And the statement was, yes, I can, but
17 I'm not going to do it. And that's -- shortly
18 thereafter, we filed suit because we're just not
19 going to be talked to that way by someone we're
20 paying money to for a service that's being delivered
21 in a poor fashion. We're just not going to do it.

22 MS. MATTHEWS: And we didn't understand the

1 underlying reason for saying I could do something but
2 I'm not going to.

3 MR. REID: There seemed to be a personality
4 issue, that because you're asking questions, I'm
5 going to punish you. I can fix this for you, but I'm
6 not going to do it. I don't like you. That's what
7 we heard. I don't like you. You're asking
8 questions.

9 JUDGE BENN: Cross-examination?

10 MR. GOLDSTEIN: I have no questions of the
11 witnesses.

12 JUDGE BENN: Okay.

13 We're going to let that stand as your
14 case in chief. And I'm now going to open the floor
15 up for the case in chief of counsel. You'll be given
16 an opportunity to cross-examine the witnesses, so
17 your first witness.

18 MR. GOLDSTEIN: Judge, my first witness is Dava
19 McKinney. Would you have her sworn?

20 JUDGE BENN: Yes.

21 Ms. McKinney, could you raise your
22 right hand?

1 (The witness was duly sworn.)

2

3

4

5 DAVA McKINNEY,

6 called as a witness on behalf of the respondent,

7 having been first duly sworn, was examined and

8 testified as follows:

9

10

11 DIRECT EXAMINATION

12 BY MR. GOLDSTEIN:

13

14 Q. Ms. McKinney, please state your full name
15 and spell your name for the record.

16 A. Dava McKinney. Dava, D-a-v-a. McKinney,
17 M-c-K-i-n-n-e-y.

18 Q. And what is your position with Commonwealth
19 Edison Company?

20 A. Senior supervisor billing operations.

21 Q. And how long have you been employed by
22 ComEd?

1 A. Twelve years.

2 Q. And have you held other positions within
3 ComEd?

4 A. I have.

5 Q. And what are those positions?

6 A. I was a CSR for five years.

7 Q. What's a CSR?

8 A. I'm sorry. A customer service
9 representative for five years.

10 Q. So this is the only other position you've
11 held with the company?

12 A. No. I was also a business analyst for our
13 strategies and support department for six years prior
14 to moving into my current role as senior supervisor
15 of billing operations, which occurred on March the
16 5th of this year.

17 Q. And as a senior supervisor, do you have
18 access to the company's books and records and
19 particularly an account of Serethea Matthews?

20 A. Yes.

21 Q. And are you familiar with the electric
22 service account of Ms. Matthews?

1 A. Yes.

2

3 (WHEREUPON, the document was
4 marked ComEd Exhibit 1 for
5 identification, as of 10/17/12.)

6

7 BY MR. GOLDSTEIN:

8 Q. Let me hand you what has been marked as
9 ComEd Exhibit No. 1.

10 Could you explain what that exhibit
11 is?

12 A. Yes. This is an account activity statement
13 for Ms. Matthews whose account is at 5927 West
14 Washington Boulevard in Chicago, 60644. The
15 statement shows all of the electric service charges,
16 fees, etcetera, that have been billed on the account
17 for the past two years together with any credits or
18 payments applied to the customer's account.

19 Q. And you have access to this account
20 activity statement, do you not --

21 A. Yes.

22 Q. -- in your position?

1 A. Yes.

2 Q. And is this a document kept in the ordinary
3 course of ComEd's business?

4 A. Yes.

5 Q. And it is a business record of ComEd, is it
6 not?

7 A. Yes, it is.

8 Q. Is it true and accurate to the best of your
9 knowledge?

10 A. Yes, it is.

11 Q. Could you go through the account activity
12 statement and tell us what the current balance is on
13 the account?

14 A. Yes. For service through September the
15 1st, 2012, the total balance on the account activity
16 statement \$4,749.55.

17 JUDGE BENN: Excuse me. One second. I need to
18 give the other side an opportunity to take a look at
19 the exhibit. I know you've started, but I don't know
20 if they have any objections to it.

21 MR. GOLDSTEIN: I haven't moved for it into
22 evidence yet, Judge.

1 JUDGE BENN: Okay.

2 I just want them to have an
3 opportunity to look at it.

4 MR. GOLDSTEIN: Well, let's finish --

5 JUDGE BENN: Go ahead. You can continue.

6 BY MR. GOLDSTEIN:

7 Q. Now, you've read Ms. Matthews' formal
8 complaint, and you've heard her allege that there are
9 certain billing errors.

10 Could you explain in your review of
11 the account how the account was billed and whether
12 you found that there were any billing errors?

13 A. I do not find a billing error on the
14 account. Based on the billing of the account in June
15 of 2011, ComEd was able to obtain an actual reading
16 of the meter. Based on this reading, ComEd adjusted
17 the billing back to June of 2010 as allowed under
18 Illinois Administrative Code.

19 Q. And you actually went back and replicated,
20 did you not, what the billing person did in order to
21 rebill the account back for that one-year period, did
22 you not?

1 A. Yes. They're correct.

2 Q. And could you complain what you did in that
3 process?

4 A. I can. ComEd obtained an actual meter
5 reading on June the 7th, 2011. Based on that meter
6 reading, we were able to determine that the customer
7 had been underestimated. In other words, the June 7,
8 2011, reading showed that we should have billed the
9 customer for 28,291 kilowatts between June the 4th,
10 2010, and June the 7th, 2011. To correct this, we
11 canceled the bills for that period and credited any
12 payments that posted to the customer's account. We
13 then started the process of rebilling the account by
14 calculating the average daily usage. The average
15 daily usage is found by dividing the 28,291 kilowatts
16 by the total number of days in that period, which was
17 368 days. That allowed me to determine the average
18 daily use at 77 kilowatts per day. Having this data
19 allowed us to begin the estimation process. For
20 example, we know that on June the 4th, 2010, the
21 meter reading was at 84692. We also know that from
22 June the 4th, 2010, to September the 2nd, 2010, this

1 is a total of 90 days. If I take 90 days, multiply
2 that by the average daily usage of 77, I get six
3 thousand nine -- 6,919.

4 If we add the June 4 reading, which
5 was at 84692 plus the 6919, I now get a reading of
6 91611. That is the estimated reading that we used on
7 the account for September the 2nd, 2010. The same
8 process was then used to calculate the estimated
9 meter readings that we entered on December the 3rd,
10 2010, which was 98683 or 92 days at 77 kilowatts,
11 which was 7,073 usage. We had a regular reading on
12 March the 8th, 2011, so we used that regular reading.
13 We estimated the reading on May the 5th, 2011, and we
14 used the regular reading on June the 7th, 2011.
15 Thus, based on my manual calculation, I agree with
16 the readings that the clerk entered from when the
17 account was canceled and rebilled.

18 Q. And so based upon your billing experience,
19 would you --

20 MS. MATTHEWS: Excuse me. Can I ask questions
21 before we go to something else because it's just
22 going to compound or just wait until she's finished?

1 JUDGE BENN: Your have to wait until she's
2 finished.

3 MS. MATTHEWS: Okay.

4 JUDGE BENN: And then when he moves the exhibit
5 into the record, we'll give you time to cross
6 examine.

7 MS. MATTHEWS: Thank you.

8 JUDGE BENN: You can take notations of what you
9 want to ask.

10 MS. MATTHEWS: Ah-huh.

11 JUDGE BENN: Go ahead, Counsel, please.

12 BY MR. GOLDSTEIN:

13 Q. So as I understand your explanation, Ms.
14 McKinney, based upon your billing experience and how
15 you look at the rebilling of the complainant's
16 account, is it your opinion that the rebilling is in
17 line with the actual billing?

18 A. Yes, because the estimated usage -- I'm
19 sorry, because the estimation was calculated using
20 the difference between an actual reading and the
21 reading that was listed on the account for June the
22 4th, 2010.

1 MR. GOLDSTEIN: I have no other questions of
2 the witness, Judge. I move into evidence ComEd
3 Exhibit No. 1.

4 JUDGE BENN: Any objections to the exhibit,
5 ComEd Exhibit 1, being moved into the record?

6 MS. MATTHEWS: No, I don't have any objection
7 to that. This is Exhibit -- it's not marked. Which
8 one is it?

9 JUDGE BENN: I think it's on the back. It's
10 the activity statement.

11 MS. MATTHEWS: Oh, Exhibit 1. Okay.

12 JUDGE BENN: Then I will move ComEd Exhibit 1
13 into the record, and I'll give Ms. Matthews and Mr.
14 Reid an opportunity to examine the witness.

15

16 (WHEREUPON, the document marked
17 ComEd Exhibit 1 for identification
18 was admitted into evidence.)

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CROSS EXAMINATION

BY MS. MATTHEWS:

Q. Okay.

I'm sorry. Ms. -- Ms. McKinney?

A. Yes.

Q. Was there an actual reading at the start of this service?

A. I don't have the actual start date for your service. I only looked at the period that was in question, going from June the 4th, 2010, until June the 11th -- to June the 7th, 2011. So I didn't look at the day when you actually started your account with us to see if that reading was actual or estimate.

Q. Okay.

So you don't have available to you the actual reading on the date that we started service?

A. I don't know when that is. I don't know when that was.

Q. Okay.

So that information is not available,

1 right? Okay. So you say no.

2 JUDGE BENN: Well, wait, wait, wait. Wait one
3 second. She has to -- she has to audibly answer.

4 THE WITNESS: Well, I'm not saying no. I don't
5 know what date that was.

6 JUDGE BENN: One second, Ms. McKinney.

7 THE WITNESS: Okay.

8 JUDGE BENN: The witness has to audibly answer,
9 and she didn't get a chance to answer your question.
10 So you can repeat your question, and then you answer.

11 BY MS. MATTHEWS:

12 Q. So there's no -- so in your analysis, you
13 did not start with an actual reading to begin our
14 service?

15 A. I didn't look at the day your service
16 began. I only reviewed the account from the dates
17 that were on the complaint. That was June the 4th,
18 2010, to June the 7th, 2011. If your services
19 started prior to June 4, 2010, unfortunately I did
20 not look at your account in that capacity to
21 determine if you had an actual or estimated reading
22 when your account started.

1 Q. One of the issues in this -- that's the
2 source of all of this is the use of estimate versus
3 actual, and so your answer is that in your
4 calculation of our bill, there was no actual reading
5 used to start?

6 A. Correct.

7 Q. Okay.

8 Then what is defined as a billing
9 error?

10 A. I don't understand your question.

11 Q. You said -- the question was: Were there
12 any billing errors, and you said no. So how do you
13 define a billing error?

14 A. Oh, as far as the cancel and rebill. When
15 that was done, I show that that was in line with the
16 two readings that we used on the account.

17 Q. So what you're saying is that there's no
18 billing error if -- you said cancel and rebill. So
19 you're saying -- when you said the answer to your
20 question was there was no billing error, what were
21 you checking for to see if there was an error?

22 A. The difference between the two readings

1 that were on the account that we used on June the
2 4th, 2010, and June the 7th, 2011.

3 Q. Okay.

4 You talked about -- so billing
5 error -- I mean, in a generic term, what is a billing
6 error, just the difference in calculating --

7 A. I agree that she made no error when she
8 canceled and rebilled the account.

9 Q. Okay.

10 In terms of using the formula that you
11 are using?

12 A. Yes, ma'am.

13 Q. Okay.

14 And then you said you had an actual
15 reading on June 11 of 2010?

16 A. No. I had an actual reading on June the
17 7th, 2011.

18 Q. Okay.

19 So an actual reading. And then you
20 mentioned -- could we see the calculation that you
21 used because you read about it, but we don't have
22 that exhibit to show us how you actually calculate

1 that?

2 A. Well, we have the numbers. If we take the
3 difference in the reading from June the 7th, 2011 --
4 but I don't think this has been --

5 JUDGE BENN: No, it's not been introduced yet.

6 THE WITNESS: It hasn't been introduced yet.

7 JUDGE BENN: Okay.

8 Wait one second. We're going to go
9 off the record so you can understand what's going on.

10

11 (There was a discussion off
12 the record.)

13

14 JUDGE BENN: Back on the record.

15 Prior to Ms. Matthews -- the next
16 question Ms. Matthews was going to ask, we have
17 determined that we need counsel to continue with
18 additional testimony with Ms. McKinney with regard to
19 another exhibit, so I'm going allow that to occur.

20 Mr. Goldstein, please.

21

22

1 (WHEREUPON, the document was
2 marked ComEd Exhibit 2 for
3 identification, as of 10/17/12.)
4
5

6 DIRECT EXAMINATION (Resumed)

7 BY MR. GOLDSTEIN:
8

9 Q. Yes. Let me hand you what's been marked as
10 ComEd Exhibit 2, Ms. McKinney. It's entitled,
11 Serethea Matthews and her address and it's a meter
12 reading history for the account. And it goes from
13 March 12, 2008, to September 1, 2012, does it not?

14 A. It does, correct.

15 Q. And you made some notes with respect to
16 what is contained on -- this is a company business
17 record kept in the ordinary course of ComEd's
18 business, is it not?

19 A. Yes, it is.

20 Q. And is it a true and correct record of the
21 meter readings and so forth as shown on the exhibit?

22 A. Yes, it is.

1 Q. And you used this exhibit in assisting you
2 with checking the calculation of the rebilling of Ms.
3 Matthews' account, did you not?

4 A. Yes.

5 Q. Could you explain briefly how you used
6 ComEd Exhibit 2 to do so?

7 A. Yes, I can. If we look -- I'll first, on a
8 high level, explain the column so that we can then
9 decipher the document marked as Exhibit 2 correctly.
10 The first column just gives the from date. The from
11 column gives the from date. The to column gives the
12 to date. The source column lets us know if there was
13 a regular reading or if it was an estimate reading.
14 The GS total kilowatt column lets us know what the --
15 what the reading was. The GS Tot for tye total
16 kilowatt hour usage column tells us what the
17 difference is between one reading to another. The
18 status column just lets us know if we billed the
19 customer with that reading or if we canceled that
20 bill. The last column reflects the billing account
21 number associated with the -- with the dates of this
22 particular -- of that particular reading.

1 BY MR. GOLDSTEIN:

2 Q. And how did you use that exhibit to make
3 your calculations?

4 A. Based off of the timeframe that was in the
5 customer's complaint, I looked specifically at the
6 dates, which was June the 4th, 2010. I show that we
7 had a reading of 84692. And I looked at the other
8 date. I'm looking at the to column. I apologize.
9 The to column. And the other reading where it says
10 June the 7th, 2011, if I come across to the GS total
11 kilowatt, it says 1293. I took the difference
12 between both of those readings, and the difference
13 was the 28,291 kilowatts that I discussed earlier in
14 my testimony.

15 I also calculate how many number of
16 days it was from June the 4th, 2010, to June the 7th,
17 2011. It is 368 days. So if I take the difference
18 in the usage, which was 28,981, divided it by 368,
19 the total kilowatts was -- it averaged 77 kilowatts
20 per day. That's how I came up with it.

21 MR. GOLDSTEIN: All right.

22 I have nothing else. I guess Ms.

1 Matthews can continue the cross-examination.

2 JUDGE BENN: You're moving -- you're moving it
3 into the record?

4 MR. GOLDSTEIN: I would move into evidence
5 ComEd Exhibit 2.

6 JUDGE BENN: Any objections to the moving of
7 Exhibit 2 in the record for ComEd?

8 MS. MATTHEWS: No.

9 JUDGE BENN: Okay.

10 Before you request ask your question,
11 I have a couple clarifying questions for Ms. McKinney
12 about this for the record.

13

14

15 EXAMINATION

16 BY JUDGE BENN:

17

18 Q. Can you explain, on the source column, what
19 the different denotations mean? What does regular
20 company mean, forced estimate, work reading, estimate
21 reading, change meter, what those different
22 distinctions in the column mean? Are we going to --

1 okay. Never mind, then.

2 MR. GOLDSTEIN: No, you could certainly ask
3 that of her. She probably could answer the question.

4 THE WITNESS: A regular reading means that a
5 meter reader did read that. That was an actual
6 reading --

7 BY JUDGE BENN:

8 Q. Okay.

9 A. -- by someone in our company. An estimate
10 reading means that we didn't -- that we were unable
11 to obtain an actual reading, and our system, our data
12 base system, estimated it.

13 Q. Okay.

14 A. A force estimate means that someone
15 manually estimated the bill.

16 Q. Okay.

17 A. Okay?

18 A work order -- or, I'm sorry, a work
19 reading service order -- some of that column is
20 actually cut off -- means that some type of order was
21 done at that particular premise and a notation was
22 just made that a work -- a work order was done on

1 that date.

2 Q. Okay.

3 Service activation, what does that
4 mean?

5 A. Service activation would be the date that
6 the service started.

7 Q. And change meter?

8 A. Change meter means that the meter -- it
9 could mean actually one of two things. Change meter
10 could mean that we physically went out to the -- to
11 the house, to the location, to change the meter. We
12 also do that in-house where the meter is still
13 physically at the location but we do it for billing
14 purposes because we need to get the meter readings in
15 line or the meter readings actually lined up with the
16 way that they should be. That's more accurate.

17 JUDGE BENN: Okay. All right.

18 Since there's no objection, I will
19 move ComEd Exhibit No. 2 into the record and allow
20 Ms. Matthews to continue with her cross-examination.

21

22

1 (WHEREUPON, the document marked
2 ComEd Exhibit 2 for identification
3 was admitted into evidence.)
4
5

6 CROSS EXAMINATION (Resumed)

7 BY MS. MATTHEWS:
8

9 Q. I'll start with, when you said change meter
10 means in line with the way they should be, what is --
11 what does "should be" mean?

12 A. It could be I was giving an example of what
13 a change meter is because a change meter can either
14 be when we change the meter physically at the field
15 or we did something in our department in-house to
16 adjust the reading.

17 Q. Why would you adjust the reading?

18 A. Well, in this case, we did it because the
19 estimated reading that we had before, the 50398, it
20 was incorrect. There was a work order reading that
21 had a reading of 84692. In other words, if we had
22 used the 50398, the bill actually would have been

1 higher. So they took the 84692 reading when they did
2 the cancel and rebill to collect their account.

3 MR. REID: But is it caused from the meter
4 you're saying?

5 THE WITNESS: No.

6 MR. GOLDSTEIN: Can we have just one person ask
7 questions? I have no objection to questions like
8 that, but I just want to make sure that we just have
9 one person asking the questions.

10 MS. MATTHEWS: At a time. Okay.

11 JUDGE BENN: Okay.

12 Well, can you ask the question Mr.
13 Reid just asked, then?

14 BY MS. MATTHEWS:

15 Q. Was there a problem with the meter?

16 A. No.

17 Q. Well, why was there a need to -- you said
18 to make it in line, so that says that it was out of
19 line?

20 A. It was when they were -- when our billing
21 clerk was attempting to do the cancel and rebill. In
22 other words, if we look -- if we look at the two

1 readings that are present on the account for June the
2 4th, you should see one that says 50398, and then you
3 see the other one that's 84692.

4 Q. How did that come about? Why was that
5 number even there if -- you know, how does come
6 about? How do we know that --

7 A. I believe it was from some type of work
8 reading on the account where the billing clerk that
9 did the adjustment at that time, she must have been
10 able to see that the meter at that time was at 84692.

11 Q. Because on that same date, the number has a
12 forced estimate, then it has the work reading, then
13 it has the work -- on the same day, this number goes
14 back and forth.

15 A. That's her canceling and rebilling. It's
16 using the higher number.

17 MR. REID: I can't trust these measurements at
18 all, period.

19 MS. MATTHEWS: Yeah, it's -- it's --

20 MR. REID: They violate the first rule. If you
21 change the settings of the instrument, then none of
22 this makes any sense.

1 JUDGE BENN: Well, wait. One second. One
2 second.

3 MS. MATTHEWS: Okay.

4 So we're concerned that --

5 JUDGE BENN: All right.

6 Let's go off the record real quickly.

7

8 (There was a discussion off
9 the record.)

10

11 JUDGE BENN: You can go ahead, Ms. Matthews.

12 We'll go back on the record.

13 BY MS. MATTHEWS:

14 Q. So we're expressing some concern about this
15 work reading and estimated change and this in line
16 and how -- how does it go off line -- you know, how
17 does it go out of line, what that really means,
18 because we can only take -- you know, there's nothing
19 to substantiate what happened here.

20 A. Correct.

21 Q. Yeah.

22 A. And that data -- that data wasn't available

1 for us. Unfortunately, our system is limited to hold
2 only two years' worth of data. So when I looked to
3 see what she was basing the 84692 reading on, I
4 wasn't able to see, you know, what type of work order
5 was done to give -- to give the higher reading.

6 Q. That raises some questions about the data.
7 The question I have is, when you were going over your
8 calculations, you said on June 7, 2011, that you
9 under -- you said that this was -- you went from June
10 7, 2011, and then you said September 2 -- was it
11 September 2?

12 A. 2010, yes. I explained how we came up with
13 the reading of 91611.

14 Q. Okay.

15 So I was trying to understand this.
16 You took a -- you took -- the concern I have is that
17 we never started with an actual number, which skews
18 all of the data because we don't have a solid base.
19 So you took an average based on a period or a set of
20 numbers where one number was an estimate and one was
21 actual?

22 A. Correct.

1 Q. And you took an average based on that?

2 A. I did, correct.

3 Q. Which it automatically introduces an error,
4 a fault into the number because you started with an
5 estimate and actual. So you took the number based --
6 with the faulty base. And then you said, okay, I'm
7 going to calculate an average from that and use that
8 to make my calculations going forward?

9 A. Correct.

10 Q. So that's a -- that causes a lot of concern
11 about the basis for your calculation of what was the
12 actual usage. Then --

13 A. However, there was also a work order on the
14 account as well. Because of the limitation of our
15 system, I'm not sure -- well, I can't say
16 equivocally -- I can't say for certain where she saw
17 that the reading should have been 84692 because my
18 indication of the work reading means that some other
19 type of service order happened on the account. In
20 other words, there was additional information on your
21 account on June the 4th that led her to say, you know
22 what, her meter isn't at -- it wasn't at 50398. It

1 was at 84692, which was better, so she used that.

2 Q. I guess I'm still -- the point I guess that
3 you're still confirming for me is that when you
4 started doing these calculations as part of your
5 rebilling, the period that you used was -- you
6 calculated an average based on a faulty start, which
7 was an estimate to an actual --

8 A. Right.

9 Q. And then you used that to calculate a usage
10 per day. And then you looked at a 90-day period and
11 said this is what it is, and then that's what you
12 used to forecast going forward?

13 A. Correct.

14 Q. Okay.

15 A. Yes.

16 Q. So that we don't really have actual usage
17 being used in terms of what it is was being used. We
18 don't actually have a good actual usage number.

19 A. Based off of -- based off of what I'm
20 showing, I say yes. I understand what you're saying,
21 and you're entitled to that. But I say -- I say yes
22 because of the reading, this 84692. I understand

1 that it looks like it's an estimate. But she used a
2 change -- a change meter reading based off of a work
3 order. I would prefer to go with that number than
4 the other estimate that was here, which was 50398.

5 Q. Okay.

6 I guess -- I guess, I won't continue
7 with this. I just want to make the point.

8 A. You did.

9 Q. That this is all based on estimates, and we
10 really didn't have an actual until we got into 2011.
11 And then when you began to say what was the amount
12 that was owed or whatever number you came up with,
13 you're basing it on some number that's based on,
14 again, an estimate.

15 A. I can't --

16 Q. So that's the point.

17 A. The point --

18 JUDGE BENN: Wait, wait, wait. One second.
19 You had asked her -- you just asked her to confirm
20 whether the number was based on an estimate; is that
21 correct?

22 MS. MATTHEWS: That we don't have -- based

1 on -- we start with an estimate, go to an actual, and
2 we take an average. So it's not a -- the number is
3 not an actual number. It's still -- it's still an
4 estimate. We're using two ends.

5 JUDGE BENN: Okay. Wait.

6 So you're asking her if that's an
7 estimate. So I need her to say yes or no, whether
8 that's an estimate, whether you're operating off of
9 an estimate number.

10 THE WITNESS: And let's just say I can't say if
11 it's an estimate or an actual or not because that
12 data isn't present, where the reading of 84692 came
13 from, what type of work order was -- what service
14 order or work reading was done.

15 JUDGE BENN: Okay.

16 So you're --

17 THE WITNESS: I mean, I would like to, but I
18 don't know that. See, our system is limited to only
19 hold 24 months of data. So when I went back to
20 research where she got the 84692 reading from, I
21 wasn't able to confirm it. However, based on my
22 previous knowledge, work readings and service orders,

1 someone in the field in some type of way got that
2 reading. So to me, that was a good basis for her to
3 use.

4 JUDGE BENN: Okay.

5 BY MS. MATTHEWS:

6 Q. And there's two points.

7 JUDGE BENN: You can -- you can ask -- I just
8 needed her to answer that specific point. Now, you
9 can ask the next question.

10 BY MS. MATTHEWS:

11 Q. There's two separate points. Going back to
12 your 90-day period -- I'm also focusing on that
13 90-day period where you take the actual and the
14 estimate and you do the -- you do the average per day
15 and then you use that for a 90-day period. So that
16 90-day period number, once again, would also be based
17 on -- it's not an actual number?

18 A. Correct. That's why it says estimate. The
19 9/2/10 reading, it does say estimate reading. And I
20 did say that, ma'am.

21 Q. Okay.

22 And then the usage, would you say that

1 the -- the usage is not constant over the course of a
2 year, is it?

3 A. I don't understand your question. Which --
4 which -- which period?

5 Q. Usage is -- kilowatt usage over the course
6 of a year, would a household have the same usage per
7 month actual over the course of a year in usage?

8 A. No. That's why we use -- we use an average
9 daily usage.

10 Q. That's what I was -- that was my question.
11 It wouldn't be the same every month?

12 A. Correct. It wouldn't.

13 Q. Okay.

14 So if you looked at a year, there
15 would be some months that would be lower and some
16 months that would be higher?

17 A. Correct.

18 Q. Okay.

19 So if you take a 90-day average, which
20 could be in the fall, could be in the spring, that
21 may be a period where there's either higher or lower
22 usage if you're using a 90-day period?

1 A. Correct. But this wasn't a 90-day period.
2 This was just straight 90 days based off of the 77.

3 Q. It was 90 days?

4 A. From June the 4th to September the 2nd was
5 90 days.

6 Q. Okay.

7 So I don't understand the distinction
8 that you're making. So I'm saying, if you take a
9 90-day period, it won't reflect the full year,
10 because as you said, the usage over the course of a
11 year varies. So if you take any 90-day period, a
12 quarter, it may not be the same in a quarter in the
13 summer as the winter. So it was 90 days, and it
14 wasn't a full year average, right?

15 A. I don't know how to answer your question.
16 I'm sorry. I don't understand it.

17 Q. Okay.

18 You used a 90-day average, right?

19 A. I didn't use a 90-day average. The average
20 that I used came from 368 days.

21 Q. I'm sorry. You said -- you used -- you
22 said a 90-day period. You made a statement --

1 A. Right. To get the -- to get the reading
2 for February -- for September the 2nd. Then the
3 period we used from September the 2nd to December the
4 3rd, I think that one was 92 days or 93 days. I'd
5 have to go back and look. So to calculate the 77,
6 your average daily use of 77 kilowatts per day, that
7 was based off of 368 days not 90.

8 Q. You said you used the 77. That was an
9 average from the -- and then you said you --

10 A. Right. That's -- that's your -- your
11 average daily usage was 77 a day. Then to bill you
12 from -- from June 4, 2010, to September the 2nd,
13 2010, those -- that 90-day period --

14 Q. Ah-huh.

15 A. -- the total amount was the 77 times the 90
16 days. That's the 6919. I was just showing that,
17 yes, I agree with the way that she billed the account
18 or to get to the actual -- to get the actual reading
19 that we had on March the 8th and to bill with the
20 reading that we actually took on June the 7th, 2011.

21 Q. So you're saying that that method of using
22 that 77 was not applied going forward?

1 A. It was, but you asked me for 90 days. It
2 wasn't 90 days. It was 368.

3 Q. Okay.

4 I guess I'm not going -- I'm just
5 saying, for the 90-day period that you discussed in
6 your presentation, you used \$77, right?

7 A. Seventy-seven kilowatts per day.

8 Q. I'm sorry. Seventy-seven kilowatts for
9 that 90-day period?

10 A. Yes, ma'am.

11 Q. And then the other question I asked to go
12 along with that -- and now you're telling me that
13 going forward you used that same number for the whole
14 year?

15 A. We used that 77 from March the 4th -- I'm
16 sorry -- from June the 4th, 2010, to June the 7th,
17 2011.

18 Q. So you also -- and, yet, that was for --
19 that 77 was based on a 90-day -- on 90 days?

20 A. It wasn't based on 90 days. I obtained the
21 77 from --

22 Q. Oh, with the average. From the average.

1 The average that was based on estimate versus actual?

2 A. Yes.

3 Q. So it wasn't based on an actual usage for a
4 90-day period?

5 A. Correct. And we determined that, correct,
6 based off of me not being able to confirm the
7 reading on June the 4th, 2010, was an actual or an
8 estimate reading.

9 Q. Okay.

10 So did you -- going forward, did you
11 start to use actual numbers for 90-day periods?

12 A. I used the actual reading that was obtained
13 on March the 8th, 2011, which says regular reading,
14 and we used the regular reading that was on obtained
15 on June the 7th, 2011.

16 Q. So you're saying between September of --
17 from September on, you were still using that --

18 A. For this whole time period, it was based on
19 77 kilowatts per day. Wherever we billed the
20 account, if it was for a three-month period, we used
21 the 77 for however many days there was in that period
22 to determine what the usage was added into the next

1 meter reading and kept going until we hit this 5987
2 because we know that's where your meter was at on
3 June the 8th. We then used that same method to
4 estimate again for May the 5th, and we used the
5 actual reading that the meter reader obtained on June
6 the 7th, 2011.

7 Q. So I'm not clear. When did you switch to
8 actually using actual?

9 A. We were always using actual readings if it
10 is present. And you will see that based on the
11 period when it's canceled, the bill for June the 8th,
12 2011, if you take that across to the status row, it
13 says billed, and the source is a regular reading.

14 Q. You say you've always been using actual.
15 But you say you're still using -- you're saying the
16 same -- I hear you saying --

17 A. I'm sorry. Your question was if we had a
18 regular reading, an actual reading that we used, and
19 my answer was yes.

20 Q. But you said for 365 days you used 77,
21 which was based on, again --

22 A. Correct. But during that time period, if

1 we have a regular reading or actual reading, we will
2 use it.

3 Q. So how do you reconcile that? You told me
4 you're using 77, which is the estimate base, the
5 estimate number, and then you have actual. How do
6 you reconcile that?

7 A. Because when we went from the -- where am
8 I? Oh, I'm right here. When we were at December the
9 3rd, 2003, we estimated -- I'm sorry, December the
10 3rd, 2010, we knew that the meter was at 98683.

11 Q. Well, I see 52559.

12 A. Look at the -- I'm sorry. My sheet is
13 highlighted because I'm looking at the rows that we
14 billed. So if you look at the status, the ones that
15 say canceled are the bills that we canceled. And I'm
16 looking at the one that says billed.

17 Q. Oh, I'm sorry. In the "to" column I'm
18 looking at 12/3 or in the "from" column?

19 A. In the "to" column.

20 Q. Okay.

21 In the "to" column, it says -- it
22 says -- okay. So you're saying, when you made this

1 bill, even though it says estimated reading, it was
2 based on the 77?

3 A. All of these were based on the 77. If you
4 take any amount of these, the number of days -- in
5 other words, on March the 8th, 2011, we knew that
6 your meter was at the 5987. Okay? You know, I know
7 I have it. That's why I broke it out like that.
8 Excuse me, your Honor. I'm sorry.

9 JUDGE BENN: No, that's okay. I have a
10 follow-up question after you explain.

11 THE WITNESS: 7304. The same process was used
12 to calculate the estimated meter reading entered on
13 12/3 of 98683. That's 92 days times 77 is 7073.

14 BY MS. MATTHEWS:

15 Q. Okay.

16 A. It says 7072 here because we -- we round --
17 we round it down. So if I add -- and I'll give this
18 to you so you can see -- 98683, because we estimated
19 that that's where it was, we wanted to make sure that
20 we're good to use the actual reading on March the
21 8th, 2011, because we knew that the meter was at the
22 59897. So if I add that to it, that's what I'm going

1 to come up with, the 5987.

2 Q. I guess I'm struggling with the -- you say
3 you wanted to make sure it was there, but it was an
4 estimate. I mean, we're looking at lots of
5 estimates, and I was trying to understand all of
6 these estimates. And you said, when we have an
7 actual reading, then we use actual, and I don't see
8 where an actual is being used.

9 A. Well, that's because I believe that we may
10 have been having a problem reading your meter at this
11 time period from 2010 to 2011. Remember the actual
12 reading is denoted when it says regular. So I know
13 we've been hitting that more upcoming into the year
14 2011, 2012. But, you're right, there were no -- you
15 won't see regular readings here. You see the
16 estimated readings from when the billing clerk
17 canceled all of your bills and rebilled the account
18 up. And when she did that, because it was an actual
19 reading, we have to denote that we estimated what we
20 thought your meter would have been at at that date.

21 JUDGE BENN: I have a question.

22

1 BY MS. MATTHEWS:

2 Q. I'm asking these questions because I'm
3 trying to get at -- what I'm trying to get at is a
4 use of a number with some -- some -- some dependable
5 numbers with some -- that I can have confidence in,
6 numbers that I can have confidence in. And when we
7 start with estimates and you take -- and you
8 calculate averages based on estimates and use those
9 to project going forward, it takes away confidence.
10 I mean, I -- and you've said that -- you've said that
11 these were estimates being used. So what I'm saying
12 is, if you figure out how much -- you're saying that
13 it was unpaid. All of that is still being based on
14 estimates versus actual numbers.

15 A. Correct, with the exception, like I say, I
16 cannot confirm that the 6/4 reading was actual or
17 not.

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EXAMINATION

BY JUDGE BENN:

Q. I have a question. And I know you've covered this earlier in your testimony. But just for clarification, can you explain again how you arrive at the average daily usage? And you mentioned something about 28,000. So go ahead and explain how you got to the 77 kilowatt hours per day.

A. There was an actual reading that was taken on June the 7th, 2011. If we find that line on the document, I can see that that was a regular reading of 12983.

Q. Ah-huh.

A. On June the 4th, 2010, there was a reading of 84692.

Q. You said that was a regular reading?

MS. MATTHEWS: Where is that?

THE WITNESS: I'm not able to confirm if the June 4, 2010, was a regular reading or not. That's where the change meter-in reading is, and it was based off of a work service order.

1 BY JUDGE BENN:

2 Q. Okay.

3 A. So the difference between those two
4 readings is 28,291 kilowatts. The way that you would
5 determine that, because there's a five-dial meter,
6 you would need to put another one in front of the
7 12,983, making the number 112,983. And if you
8 subtract 84,692 from that, you will get 28,291.

9 JUDGE BENN: I'm sorry. Do you see where that
10 is?

11 MS. MATTHEWS: I see. And that's an area where
12 there was confusion, and it leads to lack of
13 confidence because we don't know what happened during
14 that period.

15 THE WITNESS: Correct.

16 BY JUDGE BENN:

17 Q. So then you'll take the 28,000 --

18 A. Yes, ma'am.

19 Q. -- and you divide it by?

20 A. 368 days. That's the total number of days
21 between June the 4th, 2010, and June the 7th, 2011.

22 Q. And you arrive at?

1 A. Well, it's like 76.78. So we round to the
2 highest, which is 77.

3 Q. So 77 kilowatt hours.

4 So because I hear you asking this
5 question -- but I don't think we're going to get to
6 where you need to be with it -- it's conceivable that
7 the 77 kilowatt hours a day is comprised of a regular
8 read and possibly an estimated read?

9 A. That's correct.

10 Q. Okay.

11 So the 77 kilowatt hours could include
12 the -- what she has testified to be the known read of
13 6/2011 -- I forgot the date.

14 MS. MATTHEWS: 6/4 to 6/7.

15 THE WITNESS: The actual reading?

16 BY JUDGE BENN:

17 Q. The actual reading of 129 --

18 A. Yes, 6/7/2011.

19 Q. Okay.

20 6/7/2011. And that was -- what was
21 the amount again?

22 A. The reading was 12983.

1 Q. 12983?

2 A. Yes, ma'am.

3 Q. And then possibly the estimated read of
4 6/4/10 --

5 A. Correct.

6 Q. -- of 84692, correct?

7 A. Correct.

8 Q. And the difference between those is?

9 A. 28,291 kilowatts.

10 Q. Okay.

11 And so conceivably that number could
12 include estimated kilowatt hours and actual read
13 kilowatt hours?

14 A. Possibly, yes.

15 Q. Okay. Okay.

16 Okay. I mean, you can proceed with
17 your questioning, but I guess -- going off the
18 record.

19

20 (There was a discussion off
21 the record.)

22

1 JUDGE BENN: Back on the record.

2

3

4 CROSS EXAMINATION (Resumed)

5 BY MS. MATTHEWS:

6

7 Q. Was the rate per kilowatt hour the same
8 during this entire period from 2009 till now?

9 A. No.

10 Q. So when did it change?

11 A. The rate changes based off of several
12 things. There's a different rate for the summer than
13 it is for the winter months.

14 Q. So what rate did you use when you --

15 A. I would need to look at your actual bills
16 to see the rate that's on the bills.

17 Q. So on your calculation of what was owed, it
18 was -- you're saying you can't tell me now whether --
19 which rate was used and whether it was summer or
20 whatever?

21 A. I can tell you if it was summer or winter
22 based off of the "to" and "from" dates. Your rate

1 should be commercial -- I'm sorry, residential
2 single. You're in a single family home?

3 Q. Ah-huh.

4 A. Residential single. So that is your rate.
5 But the rate changes depending on what time of the
6 year we are in. In our summer months, which are
7 usually from May to September, the rates are higher.
8 And from September to the following May, the rates
9 are a different rate. What it actually was for 2010,
10 2011, I don't have that specific factor in front of
11 me.

12 Q. As you calculate the dollar amount that you
13 mentioned, \$4,749.55, can you tell me what rates were
14 being used?

15 MR. GOLDSTEIN: I'm just going to object to the
16 question. I don't believe that the witness
17 calculated a dollar amount, period. All the witness
18 calculated was average usage over the 368-day period.
19 So I object to the question. And I did not ask her
20 what she calculated, so it's beyond the scope of my
21 direct examination.

22 JUDGE BENN: I'm going to --

1 MS. MATTHEWS: I object to that.

2 JUDGE BENN: I'm going to allow you to clarify
3 your question. I'm going to -- I'm going to over --
4 note your objection. I'm going to let her clarify
5 her question because I'm not sure what the quantifier
6 really is. Do you really mean dollar amount, or do
7 you really mean kilowatt hours?

8 BY MS. MATTHEWS:

9 Q. I guess there are two parts. You've
10 explained that the dollar amount per kilowatt hour
11 changes during the course of a year based on the time
12 of year, and it changes per each year so it's not the
13 same every year. Okay? So when you calculated the
14 estimate for usage and then you extrapolated out to
15 what the bill was, I'm wondering how those components
16 generated a bill that you say is currently due.

17 MR. GOLDSTEIN: She's assuming -- I'm
18 objecting, Judge. She's assuming that Ms. McKinney
19 extrapolated those -- the average usage per day out
20 to calculate the bill. Ms. McKinney did not state
21 that she recalculated the bill. All she stated was
22 what the average usage was and that it was in line

1 with how the rebilling was done.

2 MS. MATTHEWS: What I would say is I'm not
3 assuming that she --

4 JUDGE BENN: Whoa, whoa, whoa. Wait one
5 second.

6 MR. GOLDSTEIN: So it has nothing to do with
7 the ultimate charge per month that was done on the
8 rebilling. All it has to do with is that the
9 calculation was in line, using seventy --
10 approximately 77 kilowatt hours -- kilowatts per day.

11

12

13 EXAMINATION

14 BY JUDGE BENN:

15

16 Q. You use the 77 kilowatt hours a day, Ms.
17 McKinney, to determine what the usage is for a 90-day
18 period; is that correct?

19 A. Yes.

20 Q. And then you use that calculation to
21 determine what the bill should be?

22 A. Not so much what the bill would be, but I

1 didn't -- our system -- our computer system, our
2 database --

3 Q. Ah-huh.

4 A. -- will generate a bill based off the
5 readings that we put in for "to" and "from." So in
6 other words, for example, the June 4, 2010, to
7 September 2, 2011, bill, they don't have those
8 readings on there, so our system would know that it's
9 going to calculate a bill based off of 6,919
10 kilowatts. So it's going do that based off of her
11 rate, which is commercial single, and bill the
12 account out. However, I don't have that bill in
13 front of me. But that is how the -- that's how the
14 system works.

15 Q. Okay.

16 So your system only delineates the
17 usage --

18 A. The kilowatt usage.

19 Q. -- portion of the bill, the kilowatt amount
20 that was used to bill in the future?

21 A. Yes.

22 Q. Okay.

1 So you don't bill. You don't bill.

2 A. No, I don't bill.

3 JUDGE BENN: Okay.

4 I'm going sustain his objection, Ms.
5 Matthews, because she doesn't bill. She only can
6 tell you about the kilowatt usage that they use.
7 That's the number they use to multiple out the bill,
8 but she doesn't calculate the bill. So because she
9 doesn't calculate the bill, I have to sustain his
10 objection because she can't answer that question.

11 MS. MATTHEWS: Well, didn't -- wasn't one of
12 the questions he asked was what was the balance, and
13 didn't she give a number?

14 MR. GOLDSTEIN: That's -- that's just obvious
15 from the face of the account statement, Judge.

16 MS. MATTHEWS: She was asked for a number. She
17 gave a number.

18 MR. GOLDSTEIN: That amount is --

19 JUDGE BENN: The charge amount, is that what
20 you're talking about, in the Exhibit 1?

21 MR. GOLDSTEIN: Page one of the account
22 activity statement -- that's all she read -- just to

1 put days in perspective.

2 JUDGE BENN: You know, I --

3 MR. GOLDSTEIN: She did not make that
4 calculation.

5 JUDGE BENN: But --

6 MR. REID: You can't separate the initial
7 amount.

8 JUDGE BENN: The initial -- her initial
9 testimony to the first exhibit included readings and
10 amounts and amounts credited that were paid. And
11 although the calculations aren't evident here, I
12 thought that Exhibit 2 is what supported the
13 calculations for Exhibit 1, which then would bring
14 into play the billing amount on the first exhibit.
15 And although your witness may not directly be able to
16 testify how the actual calculation took place, the
17 actual -- I mean, we can have a discussion. She can
18 ask questions, I think, given what I see here, on
19 the -- the amounts in question of the bill. So I
20 think the last question you asked was how she
21 calculated the bill, which she does not do. But she
22 can quantify it by dollar signs, by dollar amounts,

1 as well as the kilowatt hours because that's in your
2 activity statement.

3 MR. GOLDSTEIN: Well, the -- all right. Let
4 her ask a question, and then I'll see if I object to
5 that.

6 JUDGE BENN: Okay.

7 Then I'm going to -- I'm going to --

8 MS. MATTHEWS: Well, I guess --

9 JUDGE BENN: I'm going to withdraw sustaining
10 his objection and allow you to continue.

11 MS. MATTHEWS: Well, I guess I want to ask
12 ComEd and whatever -- you know, the other ComEd
13 representative, whoever -- to answer the question of
14 how this number was derived.

15 JUDGE BENN: Which number are you talking
16 about?

17 MS. MATTHEWS: The \$4,749.55 that was
18 introduced and was provided on the documentation that
19 we were given. And if this witness is not the
20 witness that can explain that, then --

21 JUDGE BENN: So you're -- okay. Off the
22 record.

1 (There was a discussion off
2 the record.)

3
4 JUDGE BENN: We're back on the record. And,
5 Ms. Matthews, you can continue.

6
7
8 CROSS EXAMINATION (Resumed)

9 BY MS. MATTHEWS:

10

11 Q. Okay.

12 I wanted to ask Ms. McKinney if she
13 can provide -- explain the calculation of this
14 \$4,749.55 bill that is indicated as outstanding.

15 A. I would need some additional time to
16 actually try and come up with the bottom line.
17 However, based off of my quick calculations, to me,
18 it's the amount of the bill that we rebilled you for
19 that has not yet been paid plus the late payment
20 charges.

21 Q. Okay.

22 Can you tell me which months those are

1 for and the rates that are being used for those
2 months and the usage in those actual months?

3 A. I can give you the usage for those actual
4 months.

5 Q. Actual usage?

6 A. The usage that we billed you for those
7 months.

8 Q. My question is, actual usage, can we
9 compare actual usage and billing based on estimated
10 usage and billing?

11 A. This is the same thing that we talked about
12 earlier. It's going to go back to what she -- what
13 Ms. Matthews' concern is before it goes back to that
14 June 4, 2010, reading. The disputed period is based
15 off of an actual reading, and I'm unable to confirm
16 that June 4 reading. So, I mean, I can go over the
17 bills. But I can't keep answering that same question
18 because I don't know for sure if that June 4, 2010,
19 reading was an actual or an estimate. However, I can
20 explain the bill that has the usage for the 6919, the
21 bill that has the usage of the 7072, the 7304, and
22 etcetera. I can explain them.

1 JUDGE BENN: Okay.

2 Then what I'm going to suggest, Ms.
3 Matthews, is that you allow Ms. McKinney to explain
4 what she can explain and also testify to why she
5 can't confirm certain things, and that will be the --
6 that will be what her testimony will be. But to
7 start, if you could just reiterate why it is you
8 cannot tell us specifically what the amount is for
9 the June, 2010, reading and what -- what assumption
10 are you making with regard to the June, 2010, reading
11 because I know you've said that before.

12 THE WITNESS: Ah-huh.

13 JUDGE BENN: But I want to be clear, because
14 we're going to move forward from that --

15 THE WITNESS: Okay.

16 JUDGE BENN: -- with the rest of the
17 calculations that created this amount so we can have
18 a clear record.

19 THE WITNESS: The June 4, 2010, reading of
20 84692 is denoted as a change meter-in. To me, in our
21 system, that means that we didn't physically go out
22 to the Matthews' home and change the meter. We

1 changed the meter in our billing department, a part
2 of our -- when we canceled and rebilled the account.
3 The 84692 is also listed a couple lines below where
4 it says work reading service orders. Historically
5 speaking, in my experience, that is usually -- that
6 is normally listed on a customer's account when it
7 indicates some other type of reading from someone in
8 the field.

9 JUDGE BENN: Okay.

10 THE WITNESS: So to me, this could be an actual
11 number where for some reason this clerk saw this
12 number somewhere on the account and she used it.
13 Unfortunately, there's a two-year limitation of our
14 system. I was not able to confirm what type of
15 service order she saw or see her exact contact as to,
16 you know, what happened on the account on June 4,
17 2010, why she used that reading.

18 JUDGE BENN: And so you're making what
19 assumption with regard to that amount?

20 THE WITNESS: Based off of my history of seeing
21 work orders, this is an actual reading.

22 JUDGE BENN: Okay. Okay.

1 THE WITNESS: To me. I could be wrong. But
2 based off of my previous experience, looking at work
3 order readings, this was an actual reading from
4 somewhere.

5 JUDGE BENN: Okay.

6 Now, you can continue with your
7 testimony as to how you derived this \$4,749.55.

8 THE WITNESS: As I stated to Ms. Matthews, I
9 didn't have time to fully review the account to come
10 up with the exact dollar amount. But based on my
11 high level of calculations, to me it appears that the
12 bills that weren't paid from the time period in
13 dispute plus the late payment charges that have
14 accumulated on each month going forward comes up to
15 this \$4,749 plus the other dollar amounts which she
16 hadn't -- unfortunately, the customer hadn't paid
17 line for line. There was an accumulation of the
18 amounted dispute, the late payment charges, and
19 whatever leftover amount she hadn't paid when she was
20 paying the current portion of her bill only.

21 JUDGE BENN: Okay. Okay.

22 I'm trying to make sure that your

1 questions are addressed. So, Ms. Matthews -- Mrs.
2 Matthews, you've heard what the amount is comprised
3 of, but I thought -- did you also ask what the usages
4 were during that time period?

5 MS. MATTHEWS: Yes. I wanted to know very
6 explicitly what usage this is. Is this -- and what
7 usage this reflects and then what rate was applied to
8 that usage, what period of time, what usage, what
9 rate.

10 JUDGE BENN: And are you able to determine
11 that, Ms. McKinney?

12 THE WITNESS: I'm double-checking to see if I
13 have the bills in front of me for that time period.

14 JUDGE BENN: Okay.

15 MS. MATTHEWS: And also how much of that -- you
16 mentioned there were late fees or penalties, how much
17 of that is that as well.

18 MR. GOLDSTEIN: That's on the -- Judge --

19 MS. MATTHEWS: That was on the statement?

20 MR. GOLDSTEIN: That's on the activity
21 statement.

22 MS. MATTHEWS: It's where?

1 MR. GOLDSTEIN: Complainant could calculate
2 that herself.

3 JUDGE BENN: Okay. Wait. But can you just --
4 we have a question on the floor right now, so I don't
5 want to confuse it. Let's just go off the record
6 really quickly.

7
8 (There was a discussion off
9 the record.)

10

11 JUDGE BENN: Okay. Back on the record.

12 THE WITNESS: I'm ready to proceed. However, I
13 don't know which exhibit I'm referring to, if this is
14 the plaintiff's copies of the bills.

15 JUDGE BENN: Are those -- are those their
16 bills?

17 MR. GOLDSTEIN: I think we're going to have to
18 mark this as -- this is the rebill, Judge.

19 JUDGE BENN: Are those your exhibits?

20 MR. GOLDSTEIN: We only have one copy at the
21 moment.

22 JUDGE BENN: Let's make -- let me make a copy

1 really quick. You'll have it because I'm going make
2 a copy of it. So these are all of the bills that
3 you're going to discuss -- I mean, that you're going
4 to testify to. I'll be back.

5 JUDGE BENN: Let's go back on the record.

6 Ms. McKinney is going to testify to
7 how the amount of \$4,749.55 has been derived. And to
8 do that, I need counsel to ask her some additional
9 questions.

10 MR. GOLDSTEIN: Yes.

11

12 (WHEREUPON, the document was marked
13 ComEd Exhibit 3 for identification,
14 as of 10/17/12.)

15

16

17 DIRECT EXAMINATION (Resumed)

18 BY MR. GOLDSTEIN:

19

20 Q. Let me show you, Ms. McKinney, what's been
21 marked as ComEd Exhibit 3, a group exhibit. And this
22 is, is it not, the rebill of Ms. Matthews' account,

1 correct?

2 A. Correct.

3 Q. Now, could you explain for the record how
4 that rebill occurred and how the amounts were
5 arrived -- derived in that bill?

6 A. Yes. As you stated, this is a copy of the
7 actual bills that were rebilled. I would like to
8 first start by referring to Exhibit 2, going from the
9 dates of service on the meter reading history from
10 June 4, 2010, to September 2, 2010. The usage for
11 that time period was 6919.

12 Now, going back over to the bills, if
13 we look at the bills, right below the first bar that
14 gives the meter information, that gives us the dates
15 of service. The dates of service are from June the
16 4th, 2010, to July the 6th, 2010. Right across from
17 that it says residential single. That's the rate.
18 Okay? The total kilowatts for that time period was
19 \$2,460. If we turn the page, the next dates of
20 service go from July the 6th, 2010, to August the
21 4th, 2010. The total amount of kilowatts for that
22 period was 2229. If we come down towards the bottom

1 of the page, there's a third set of dates of service
2 that go from August the 4th, 2010, to September the
3 2nd, 2010. Total kilowatts there was 2230. If we
4 add these three together, 2,460 kilowatts plus 2,229
5 kilowatts plus 2,230 kilowatts, that totals 6,919,
6 which is also listed on the meter reading history
7 exhibit where we refer back to the 77 kilowatts per
8 day.

9 To give you a further breakdown of the
10 bill, our -- our data -- our data base, even though
11 it's taking it as a group from June the 4th to
12 September the 2nd, it's still going to break it down
13 monthly, because as I stated, if it's a summer month,
14 it's going bill on a different rate. If it's a
15 winter month, it's going to bill on a different rate.
16 The service from June 4, 2010, to July the 6th, 2010,
17 the 2,046 kilowatts as we can see for that time
18 period, we've used that same kilowatt amount
19 throughout this bill. If you come over a little bit
20 to the right, that gives you the fact that, for
21 example, the electricity supply charge was at .07837.
22 That is the factor, the rate for that. So this is a

1 breakdown of the kilowatt usage. The bill also shows
2 the rate. It gives us the dates of service, and it
3 backs up the usage that we used from the meter
4 reading history. So I'm going to take this in
5 blocks, the way that we built the account up. So the
6 first three sets of data, again, go from June the
7 4th, 2010, to September the 2nd, 2010. Okay? Right
8 now, I am on page three. Our next dates of service
9 go from September the 2nd, 2010, to December the 3rd,
10 2010. Page three gives the dates of service from
11 September the 2nd to October the 4th, 2010. The
12 total amount of kilowatt usage there was 2460; from
13 October the 4th to November the 2nd, 2010, was 2229;
14 and from October the 2nd to December the 3rd, 2010,
15 that was 2383. When I add all three together, that
16 totals 7,072. That shows the -- that also is
17 consistent with the information that is on my Exhibit
18 2, and it also shows that that is the amount that we
19 billed for going from September the 2nd, 2010, to
20 December the 3rd, 2010. Yes, we did it as an
21 estimate. But the bill itself shows how everything
22 was broken down and calculated out. And it -- I just

1 wanted to show that both documents state -- in other
2 words, this will give you the usage. This shows how
3 the usage was actually broken down by our computer
4 system. When we said, okay, for this period it's
5 7,072, this is how it broke it broke it out line by
6 line and itemized it. And I'm also showing you what
7 the particular rate was, if the account was billed on
8 a summer rate or a winter rate. Okay? And actually,
9 you can begin to see, on page four, the difference
10 between our summer rate and our winter rate. If you
11 look at the electricity supply line at the top of
12 page -- on page four where it says dates of service
13 from October the 4th to November the 2nd, the
14 electricity supply rate is now .07653 when on page
15 two, during our summer months, it was at .07837. I'm
16 at the top of page two. Because that was August, so
17 that would be reflective of a summer bill. Okay?

18 JUDGE BENN: Ah-huh.

19 THE WITNESS: I would then like to move on to
20 the third period that goes from December the 3rd,
21 2010, to March the 8th, 2011.

22 JUDGE BENN: And which page is that?

1 THE WITNESS: Middle of page five. From
2 December the 3rd, 2010, to January the 6th, 2011, I
3 have 2,614. From January the 6th, 2011, to February
4 the 7th, 2011, it's 2460. And from March the 7th --
5 I'm sorry, from February the 7th to March the 8th,
6 2011, it's 2,230 kilowatts. Adding those together, I
7 come up with the 7,304. So even though it shows
8 7,304 on the meter reading history, on the bills
9 itself, it did calculate it out month by month
10 showing what the usage was, and it's still based off
11 of my 77 average daily usage. Okay?

12 I would like to now move on to the
13 next section of bills going from March the 8th, 2011,
14 to May the 5th, 2011. Those bills began on the
15 middle of page seven from March the 8th, 2011, to
16 April the 6th, 2011. We start with 2229. I'm on
17 page eight from April the 6th, 2011, to May the 5th,
18 2011. That's 2229. And the total amount of those
19 two is \$4,458. And, again, on the meter reading
20 history, it shows the \$4,458 that was billed for that
21 time period. This, too, will also show a difference
22 in the rates because we were -- this is a

1 different -- we moved into a different year. So as I
2 stated before, depending on what information we get
3 from our regulatory department, the rates for our
4 customers, they will change from year to year. So as
5 we can see, as we move into -- I believe this is a
6 winter bill based off of the month because it's April
7 to May. We can see that the rate is now at .076, so
8 I just wanted to show that because I know that that
9 was another question that I would ask.

10 Moving on, going from the final period
11 of May the 5th, 2011, to June the 7th, 2011, I will
12 ask for everyone to hold page eight as a reference.
13 We're going back to page one. When we go to page one
14 of the meter reading box, it will give us the read
15 date. This shows me, in the meter reading box, the
16 read date was June the 7th. It also lets me know
17 that the previous reading was 10445. That says
18 estimate. I'm in the section that says meter reading
19 present.

20 JUDGE BENN: Ah-huh.

21 THE WITNESS: Previous and present. The
22 present reading is the actual read that we took on

1 June the 7th that says 12983. I'm sorry. I don't
2 have my glasses on. But this is the area of the bill
3 where it will let you know that the account was
4 estimated or actual. The difference of the 2548 is
5 the difference of the 10445 and the 12983.

6 JUDGE BENN: It's 2538. I know you couldn't
7 see it but --

8 THE WITNESS: Okay. Thank you.

9 JUDGE BENN: Ah-huh.

10 THE WITNESS: No, I just wanted to show that
11 this bill is just picking up the last portion of it.
12 But I also wanted to point out, because I know that
13 that was a question as well, where this information
14 was. It's here. So if we can go back to page eight,
15 that will give us the last portion of the bill, which
16 was the 2858 kilowatt usage, and that goes from May
17 the 5th, 2011, to June the 7th of 2011.

18 JUDGE BENN: You're talking about the 2538?

19 THE WITNESS: Yes, ma'am.

20 JUDGE BENN: Okay.

21 THE WITNESS: The 2538. Ah-huh. That, too,
22 was on the bill -- I'm sorry. That, too, was on the

1 meter reader history, that that is the reading that
2 we used. I was just trying to show you how
3 everything lined up from the meter reader history to
4 the usage. It is here, and it is explained on the
5 bills as well as the factor that we charge for each
6 particular rate, whether it was electricity supply
7 charge, our delivery services, the taxes, as well as
8 the rate, showing that it was residential single.

9 JUDGE BENN: Okay.

10 Okay. Any follow-up questions on
11 that?

12 MS. MATTHEWS: Yes.

13

14

15 CROSS EXAMINATION (Resumed)

16 BY MS. MATTHEWS:

17

18 Q. That explains the bill for June 15, 2011,
19 for 3,168. We still haven't gotten to the \$4,700
20 number. We haven't gotten there. And what you've
21 read was -- let me make sure I'm -- is the 77
22 kilowatt hours essentially on average being used

1 here? It's simply reversing what was -- all of the
2 estimated bills and putting in a new number based on
3 the 77. That's what that is. So it's not really
4 actual. It's just reversing what you had in place
5 and using 77.

6 A. I'm simply just showing the usage in our
7 system and what rate factors it billed it out at per
8 your question.

9 MR. GOLDSTEIN: Judge, I'm going to object.
10 This is more argument than -- than actual
11 questioning.

12 JUDGE BENN: I'm going to -- I'm going to
13 sustain your objection with the understanding, Ms.
14 Matthews --

15 MR. GOLDSTEIN: I mean, she's asked it about a
16 half dozen times, and I haven't objected up until
17 this point. But, you know, we can do this forever on
18 this basis, and that's why I'm objecting now.

19 JUDGE BENN: I did sustain your objection. And
20 what I'm going to say, Ms. Matthews, is the form in
21 which you ask the questions are -- you have to ask
22 her a direct question. Now, we are at the point

1 where we've accounted for most of this. And so,
2 really, the only question is where did the rest of
3 the forty-seven -- what you just asked, \$4,749.55,
4 where is that derived from, if Ms. McKinney can
5 testify to that. And then we will move on with the
6 next witness, I think, at that point.

7 THE WITNESS: Going to the activity statement,
8 the bills that I just added up do total \$3,168.38. I
9 am on page one. Reading the columns from left to
10 right --

11 JUDGE BENN: Page one of your Exhibit 3?

12 THE WITNESS: I took the statement, Exhibit 1.

13 JUDGE BENN: Page one of Exhibit 1. Okay.

14 THE WITNESS: Reading the columns from left to
15 right are date, charge type, billing period, read,
16 meter number, charge amount, credit amount, and total
17 bill. Okay? I'm taking the total bill column down
18 to where it says 3168.38.

19 JUDGE BENN: Ah-huh.

20 THE WITNESS: Okay?

21 If we then swing over to our left a
22 little bit to the charge amount columns --

1 JUDGE BENN: Ah-huh.

2 THE WITNESS: -- I stated before I didn't have
3 enough time to prepare, your Honor, to come up with a
4 total amount for the \$4,749.55 that is currently
5 showing as due. So I did some rough calculations.
6 And adding the 3168.38 to the late payment charge --
7 I'm sorry, to the June 7 to July 10 bill of the
8 266.71, there were two late payment charges of 47.53.
9 There is a line item of 366.95, of 58.45 --

10 JUDGE BENN: Ah-huh.

11 THE WITNESS: -- 208.24, 62.45, 162.98. I
12 added everything up and reduced the payment. And my
13 figure didn't hit spot on, but that's only because I
14 was doing it at a high level and don't have my
15 information in front of me. I think I was off like a
16 hundred and something dollars.

17 JUDGE BENN: So what is the -- what was the
18 total amount you came up to?

19 THE WITNESS: I'm sorry. I used a calculator
20 to do this.

21 JUDGE BENN: Oh, okay.

22 THE WITNESS: To add the readings up. It was

1 \$4,600 and some change.

2 JUDGE BENN: Okay.

3 THE WITNESS: But I'm thinking it's just a
4 difference of -- because Ms. Matthews has made some
5 payments on the account, and I may not have captured
6 the figures or the dollar amounts. I may not have
7 figured something, you know, going in. It's
8 different when I'm, you know, at my office and I have
9 my spread sheet. My Excel spread sheet will do the
10 calculations for me as opposed to doing it manually.

11 JUDGE BENN: I have a question really quickly.
12 In the read column for June 15, 2011, the billing
13 period of December 3rd, 2010, to March 8, 2011, the
14 read is 5987. It seems significantly lower than the
15 rest of the numbers. So if -- if you can, can you
16 explain to me --

17 THE WITNESS: These are the actual readings,
18 the readings that we use. So if we look at the meter
19 readings history, 5987 was an actual reading that was
20 obtained on March the 8th, 2011. This just shows
21 that we -- what readings we use to bill the account
22 with. For example, the -- the three bills that we

1 looked at from June the 4th, 2010, to September the
2 2nd, 2010, the total kilowatt was 6919. But when we
3 add that to the 84692, it totals the reading of
4 91611. And we do see the reading of the 91611. If
5 we come up again, we see the reading 98683, the 5987,
6 the 10445, and the 12983. These are simply the meter
7 readings that are on the meter reading history.

8 JUDGE BENN: Okay.

9 THE WITNESS: Spread sheet.

10 JUDGE BENN: Okay. All right.

11 Ms. Matthews, I'm going take judicial
12 notice of the fact Ms. McKinney has testified to
13 roughly about \$4,600 of the \$4,749.55. I'm just
14 going to take notice of it and give it the weight it
15 should be afforded when I'm making a recommendation
16 about this complaint. So if there's nothing else --

17 MR. GOLDSTEIN: Let me make a comment about
18 that, Judge. I think that if you review the account
19 activity statement carefully and add in to each of
20 the calculations that are shown on the exhibit, I'm
21 about 99.99 percent confident that you'll come up
22 with the 47 -- I'm sorry -- the \$4,749.55 figure.

1 JUDGE BENN: That's fine. I'll note that for
2 the record. So if there's nothing else --

3 MS. MATTHEWS: I do have something further.

4 JUDGE BENN: Okay.

5 I'll give you a couple more questions.
6 We need to put on the other witness.

7 BY MS. MATTHEWS:

8 Q. I want to understand the late charge. If I
9 make a payment and it's before the due date -- on
10 August 11, there were two late charges -- how do you
11 get -- do you know -- can you explain to me how you
12 get two late charges in the same month? Can you
13 explain, if I make a payment before the due date, am
14 I -- do I get a late charge and what's the basis of
15 the late charge, how is it calculated?

16 THE WITNESS: I can't answer how the late
17 charge is calculated and what it is based on. The
18 late charge is calculated if you don't pay the total
19 amount of your bill by the due date. The late
20 payment charge factor is 1.5 percent of whatever the
21 balance is that's left on the account.

22

1 BY MS. MATTHEWS:

2 Q. And so the reason why there were two late
3 charges in one month would be --

4 A. I'm not able to say right now. I would
5 need to take a look and see. A little further.

6 Q. Is that -- is that common, that you find
7 two late charges in one month?

8 A. It can be possible. But like I said, I
9 would need to go and take a look back at the bill to
10 see exactly what was going on, the reason why I have
11 two late payment charges for August the 1st and
12 August the 2nd.

13 Q. Would that be considered billing error?

14 A. No, this would not. Like I stated, it may
15 have been the way that the bill came out. In other
16 words, I need to review -- I can't answer right now.
17 I would need to review what the status of your
18 account was on August the 1st and August the 2nd to
19 see why that happened. That's all.

20 Q. So you can be assessed more than one late
21 charge in one month?

22 A. Yes.

1 Q. For one account?

2 A. Yes.

3 Q. I see.

4 And so making a payment does not
5 eliminate a late charge?

6 A. That is correct. You have to pay the
7 entire balance in full to avoid a late payment charge
8 being assessed to the account.

9 Q. So the fact that we were in this process,
10 all of these late charges were accumulated even
11 though we were making payments?

12 A. Correct. If there was a past due balance
13 on your account, yes, ma'am.

14 MR. REID: Disputed past due balance.

15 BY MS. MATTHEWS:

16 Q. Yes. Even though you're in an
17 administrative hearing, you'd still be charged a late
18 fee if you're making payments?

19 A. Yes.

20 Q. Okay.

21 I guess the only other question I have
22 is, the only remaining question -- not remaining,

1 there are several -- but we -- so you've accounted
2 for -- in detail -- for this document -- with this
3 document how you reversed -- this is a reversed
4 billing, right? You said, this is a reverse, what
5 you've done, and issued a new bill; is that correct?

6 A. No, it's not reverse billing. I was just
7 saying that this shows the kilowatt usage that was on
8 the meter reading history. It's broken out into the
9 bills.

10 Q. Oh, I'm sorry. Rebill. This was the --
11 you said -- you called this the rebill?

12 A. Yes, when we rebilled the account.

13 Q. Okay.

14 JUDGE BENN: I have a question, final question.
15 The -- I thought you said -- you said it was
16 conceivable that late charges could be charged more
17 than once in one month. And if you don't pay the
18 full bill, you'll incur a late charge?

19 THE WITNESS: Correct.

20 JUDGE BENN: So could these late charges be
21 late charges from the not disputed -- the undisputed
22 amount? I mean, it sounds as though they were making

1 payments while there was a dispute in place. You
2 said that you could have late charges that a customer
3 would have to pay on the -- on the disputed amount,
4 but that's not my understanding. So I just want to
5 know if you -- can you incur late charges on the
6 undisputed amounts on a bill?

7 THE WITNESS: I thought that I was answering
8 your question, how the late payment charges were
9 being -- how they're assessed on the account. So if
10 there is a past due amount on an account, our system
11 will charge 1.5 percent of whatever is past due, and
12 that will -- that will be the late payment charge.

13 JUDGE BENN: And does your system make a
14 notation of a disputed amount and separate that from
15 the current bill in order to incur --

16 THE WITNESS: I'm not --

17 JUDGE BENN: -- in order to calculate the late
18 charges.

19 THE WITNESS: No, I'm not able to say for sure
20 if it will or it won't.

21 JUDGE BENN: Okay. Okay.

22 THE WITNESS: And that's only because I'm not

1 really sure what our system would do if an account is
2 removed from collections, if it will not charge a
3 late payment charge or not.

4 JUDGE BENN: Okay. Fair enough.

5 If there's no further questions of
6 this witness --

7 MS. MATTHEWS: I have one last question.

8 JUDGE BENN: Okay.

9 BY MS. MATTHEWS:

10 Q. So do you -- do you -- will you say that if
11 you use an average to make a calculation, that
12 there's -- there's variability -- or there's -- that
13 the answer is not as definitive as if you use actual?

14 A. If I use --

15 Q. If you use an average versus the actual, is
16 it -- are you saying they're equivalent in their --
17 being definitive?

18 A. It depends on what the average is being
19 based on, if it's being based on the actual or
20 estimate.

21 Q. Okay.

22 If it's an average based on an

1 estimate, is that -- you're saying that's as
2 definitive as the actual number or you're saying that
3 there might be --

4 A. An average bill based on an estimate versus
5 it being actual. Actual is more in line than an
6 estimate.

7 JUDGE BENN: Okay. Do you have any redirect?

8 MR. GOLDSTEIN: I have nothing else, Judge, of
9 the witness.

10 JUDGE BENN: Oh, okay, then. We'll thank
11 you --

12 MR. GOLDSTEIN: No redirect.

13 JUDGE BENN: No redirect? We'll thank you
14 for --

15 MR. GOLDSTEIN: I don't know if I moved into
16 evidence the rebill, ComEd Exhibit 3. I would move
17 that into evidence.

18 JUDGE BENN: Is there any objection to ComEd
19 Exhibit 3 being moved into evidence?

20 MS. MATTHEWS: No.

21 JUDGE BENN: Okay.

22 Then I will move ComEd Exhibit 3, the

1 rebill documentation into evidence.

2

3 (WHEREUPON, the document marked
4 ComEd Exhibit 3 for identification
5 was admitted into evidence.)

6

7 JUDGE BENN: And I thank you for your
8 testimony, Ms. McKinney.

9 THE WITNESS: You're welcome.

10

11 (Witness excused.)

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1 JUDGE BENN: Next witness.

2 MR. GOLDSTEIN: Well, since Ms. McKinney
3 testified so well about the meter reading history, I
4 rest.

5 JUDGE BENN: Okay. You're resting now. All
6 right. Okay. Then I'm just going to give you a
7 brief opportunity to close.

8 MS. MATTHEWS: I don't get a chance to question
9 that witness?

10 JUDGE BENN: No, no, because he's not going to
11 put that witness on.

12 MS. MATTHEWS: Okay.

13 JUDGE BENN: I guess whatever -- off the
14 record.

15
16 (There was a discussion off
17 the record.)

18
19 JUDGE BENN: Back on the record.

20 Ms. Matthews, would you like to give a
21 brief closing statement?

22 MS. MATTHEWS: Yes.

1 CLOSING STATEMENT

2 ON BEHALF OF THE COMPLAINANT

3

4 MS. MATTHEWS: I guess what we've substantiated
5 here is that there's been -- the data that's being
6 used to provide bills to us have lacked integrity.
7 And there were several answers to questions where
8 there was no -- no definitive answer being made, if
9 they were actual numbers in use, and many questions
10 could not be answered today even though they could
11 prepare to answer questions about how they came up
12 with this bill. We still say that they failed to
13 follow the regulations related to the operation of,
14 you know, their utility. They refused to take
15 alternate actions, which they could have, and we
16 didn't have to come all the way here and go through
17 all of this if it could have been just resolved at
18 the customer service level. They -- they lack data
19 integrity. The estimate that was used that was the
20 foundation for all of this still is being -- the
21 point, the keystone of all of their calculations, and
22 there's not enough reliance on actual data. They --

1 what they said is that, you know, the rate changes
2 over time and yet they have not been using that.
3 They used an estimate base for calculations. They've
4 been -- they've been using an average number based
5 on -- and, once again, the number did not have
6 sufficient integrity. And they've been using these
7 averages. They eliminated the options available to
8 us, you know, over a year ago, two years ago. They
9 have lack of operational integrity. They didn't
10 follow their own rules in terms of reading the meter,
11 which would not have allowed us to get to this point.
12 And then they also penalized us further by, you know,
13 agreeing to this process and then charging us late
14 fees based on this disputed amount. I think that
15 that's really unconscionable and really unreasonable
16 to do that since that number was up for -- needed to
17 be substantiated. And at this point, you know,
18 there's been some documentation. But the bottom line
19 is the integrity is not there. It started with an
20 estimate, and they refused to rely on actual numbers.
21 So we were denied options that we could have taken to
22 reduce our total usage in our approach, and we just

1 sought to have -- be treated to be in a reasonable
2 way, expect reasonable treatment in terms of how we
3 were billed, how we were treated in customer service,
4 and also we requested information that was, you know,
5 no -- they were not responsive to our requests for
6 information to help us prepare for today. We
7 couldn't even get information from them in preparing
8 to come here. So I think it's just been a consistent
9 approach to relying on data that lacks integrity and
10 persisting in wanting to continue to use estimates
11 rather than taking the opportunity to actually use
12 actual information. So that's it. There's a lack of
13 operational integrity and a lack of data integrity.

14 JUDGE BENN: Okay. I have a question real
15 briefly before your closing. Is this the first
16 opportunity you had, Ms. Matthews and Mr. Reid to
17 even have the calculations explained to you?

18 MS. MATTHEWS: Yes.

19 JUDGE BENN: Okay. Closing argument?

20

21

22

1 OPENING STATEMENT

2 ON BEHALF OF THE RESPONDENT

3

4 MR. GOLDSTEIN: Well, if we look at the June 4,
5 2010, indication of usage, ComEd Exhibit 2, which is
6 the meter reading history, there are two numbers
7 there. One is -- they're both under work readings.
8 One is 50398, and the other one is 84692.

9 JUDGE BENN: Okay.

10 Which exhibit, please?

11 MR. GOLDSTEIN: ComEd Exhibit 2.

12 JUDGE BENN: Okay.

13 MR. GOLDSTEIN: If the company were to use the
14 50398 reading as a base reading, as an actual
15 reading, then the bill that was issued as the rebill
16 in this matter would be substantially greater than
17 using the 84692 as the base reading. Ms. McKinney
18 used the 84692 reading because she believed it is an
19 actual reading. And it makes sense if you look at
20 the kilowatt usage for that time period.

21 With respect to the late fees, late
22 fees are based upon 1.5 percent, as Ms. McKinney

1 testified, of the balance due at the time the late
2 fee is assessed, pure and simple. The bottom line of
3 it all is the rebilling -- as Ms. McKinney testified
4 over and over and over again -- was accurately done
5 by the company so that the complaint should be
6 denied.

7 JUDGE BENN: Okay.

8 I thank both parties, both sides for
9 their time. I'm going note, of course, all of the
10 testimony and exhibits for the record, and I will
11 mark this record heard and taken. Thank you all for
12 your time.

13 MR. GOLDSTEIN: Thank you, Judge.

14 MS. BUECHLER: Thank you, Judge.

15

16 (END OF PROCEEDINGS.)

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